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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,977	08/17/2001	Michael A. Bryan	2950.37US01	7011

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EXAMINER

HEALY, BRIAN

ART UNIT PAPER NUMBER

2874

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/931,977

Applicant(s)

BRYAN, MICHAEL A.

Examiner

Brian M. Healy

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-39 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12, 16, 17 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 7, 13-15, 18, 19, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: Brian Healy

Art Unit: 2874

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 7,13-15,18,19, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the references of record teaches or suggests the listed claimed limitations.

Claims 26-39 are allowed over the prior art of record.

Claims 26-39 does not teach or suggest the claimed device and method including the method steps of depositing a layer of powder on a substrate with the powder in the layer having a lowered sintering temperature at the top of the powdered layer than the powder layer adjacent the substrate so that once the powder is heated the top powder layer is converted to a layer of uniform material while the powder layer adjacent the substrate becomes a release layer.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 2874

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8-12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by

Mikeska et. Al., U.S.P. No. 5,085,720.

Mikeska et. Al. 720' teaches (Figs. 1-4) a structure and method of releasing a layer of uniform material using same comprising a substrate 5,3 having a surface, a release or separation layer 7 (Note the release or separation layer has a thickness of 50 (microns) or less) on the surface of the substrate and a first uniform (glass or silica) material 9 on top of the release or separation layer with the release or separation layer including powders ( $\text{SiO}_2$ ) or partially sintered powders formed using high temperature/pressure with the release layer having a different chemical composition than the first uniform material, which clearly, fully meets Applicant's claimed limitations.

4. Claims 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Shacklette et. al., U.S.P. No. 5,850,498.

Shacklette et. Al. 498' teaches (Figs. 1-6) a structure comprising a substrate 3,2 that is made of a silicon material which is a low stress material (It should be noted that the same material i.e. silicon or silicon dioxide would also have the same inherent material properties of stress level and birefringence) which includes a waveguiding layer 1,11 whose thickness lies between 3 to 50 microns, which clearly, fully meets Applicant's claimed limitations.

Art Unit: 2874

A copy of PTO-1449 will also be included in this office action.

The following references are also cited by the Examiner as being pertinent art: Morales et. Al., U.S. Patent Application Publication No. U.S. 2001/0038803 A1 (Note entire document), Bryan, U.S. Patent Application Publication No. U.S. 2003/0035642 A1 (Note entire document), Morales et. Al. (U.S.P. Nos. 6,472,459 and No. 6,245,849) (Note entire document.).

Any questions concerning this office action should be directed to:

**Brian M. Healy**

**Primary Examiner**

**Art Unit: 2874**

**Phone: (703) 308-2693**

  
Brian Healy  
Primary Examiner